

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**FRANK BOOKER, JR.**

**Plaintiff,**

**v.**

**DOMINION VIRGINIA POWER, *et al.*,**

**Defendants.**

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**CIVIL ACTION NO. 3:09cv00759**

**MOTION FOR ENTRY OF ORDER DISMISSING  
TDS TELECOMMUNICATIONS CORPORATION**

For the reasons set forth in the memorandum filed in support of this motion, Defendant TDS Telecommunications Corporation (TDS), by counsel, moves for immediate entry of an order dismissing Plaintiff's claims against TDS.

**ROSEBORO NOTICE**

This motion seeks entry of an order dismissing all claims against TDS, and is therefore a dispositive or partially dispositive motion. Pursuant to the requirements of *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), and Local Rule 7(K), promulgated by the United States District Court, Eastern District of Virginia, the Plaintiff is herewith notified and warned that:

- (1) The *pro se* party is entitled to file a response opposing the motion and that any such response must be filed within twenty (20) days of the date on which the dispositive or partially dispositive motion was filed;
- (2) The Court could dismiss the action on the basis of the moving party's papers if the *pro se* party does not file a response;

- (3) The *pro se* party must identify all facts stated by the moving party with which the *pro se* party disagrees and must set forth the *pro se* party's version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury); and
- (4) The *pro se* party is also entitled to file a legal brief in opposition to the one filed by the moving party.

The Plaintiff is further reminded that no pleading or other documents submitted by him will be filed by the Clerk unless he also attaches a certificate of service stating that he has served or will serve copies thereof upon undersigned counsel for the Defendant. The certificate of service shall show the date and manner of service. See Rule 5 of the Federal Rules of Civil Procedure.

**TDS TELECOMMUNICATIONS CORPORATION**

By: \_\_\_\_\_

Counsel

W. Jeffery Edwards (VSB# 20719)  
William H. Wright, Jr. (VSB #25576)  
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Counsel for TDS Telecommunications Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that on January 14, 2010, I electronically filed the foregoing **MOTION FOR ENTRY OF AN ORDER DISMISSING TDS TELECOMMUNICATIONS CORPORATION** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Robin Perrin, Esq.  
Assistant United States Attorney  
OFFICE OF THE UNITED STATES ATTORNEY  
600 East Main Street, Suite 1800  
Richmond, Virginia 23219

Counsel to Defendants Mark Bertsch and the United States

-and-

Jennifer L. Morris, Esq.  
SETLIFF & HOLLAND, P.C.  
4940 Dominion Boulevard  
Glen Allen, Virginia 23060

Counsel to Defendant Dominion Virginia Power

I also certify that on the same day I mailed a copy of the foregoing **MOTION FOR ENTRY OF AN ORDER DISMISSING TDS TELECOMMUNICATIONS CORPORATION** to:

Mr. Frank Booker, Jr.

\_\_\_\_\_  
\_\_\_\_\_

Plaintiff

/s/

W. Jeffery Edwards (VSB# 20719)  
William H. Wright, Jr. (VSB# 25576)  
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